

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast Service)

TO: The Commission

COMMENTS OF COAST TV

Coast TV, permittee¹ of a new commercial television station on Channel 38, Santa Barbara, California, herewith submits its comments in reply to the "Ex Parte Submission . . . of the Association for Maximum Service Television, Inc., and Other Broadcasters" of November 20, 1997.

Coast has two fundamental problems with the MSTV Submission:

(1) It perpetuates the Commission's failure in its Sixth Report and Order herein to allot a DTV channel for Coast TV in Santa Barbara, notwithstanding that Coast TV timely petitioned for reconsideration of that omission; and

(2) It reintroduces its November 22, 1996 proposal to allocate DTV Channel 38 to Station KTTV, NTSC Channel 11 in Los Angeles,² which Coast TV specifically opposed in its Reply Comments of January 24, 1997, because of the significant co-

¹ Coast's application was granted at Coast TV, 10 FCC Rcd 10623 (1995), recon. denied 11 FCC Rcd 4074 (1996), affirmed sub nom. Mission Broadcasting Corp. v. F.C.C., 113 F.3d 254 (D.C. Cir. 1997).

² Station KTTV is licensed to Fox Television, and operates from a transmitter site on Mt. Wilson.

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channel interference which such an operation would cause to Coast TV's NTSC operation on Channel 38.³

I. An Additional DTV Allotment Must Be Made to Santa Barbara

As noted, the failure of MSTV to propose a DTV allotment to be paired with Coast's NTSC Channel 38 perpetuates the Sixth Report's omission in this regard. These omissions appear to flow from the recent failure of the Commission's TV database to reflect the status of Coast TV. Although Coast has sought reconsideration of the Sixth Report, as recently as December 12, 1997, the Commission's TV database failed to reflect Coast TV's 1984 application, much less the Commission's 1995 grant thereof or the 1997 judicial affirmance of that grant (see fn 1, supra). Thus, MSTV's omission is understandable.

Nonetheless, it is clearly time to remedy the Sixth Report's omission, and to allot a DTV channel for the Santa Barbara NTSC Channel 38 permittee, Coast TV.

Exhibit 1 hereto, an Engineering Statement of Coast's consultant, suggests that Channel 30 be allotted to Santa Barbara for pairing with Coast's NTSC Channel 38. Such an allotment would be equally compatible with both the Sixth Report's Table of Allotments and MSTV's alternative "Ex Parte Submission." The allotment of DTV Channel 30 to Santa Barbara would involve no

³ By MSTV's own data, the interference which Coast's NTSC operation would experience from a Channel 38 DTV station operating from Mt. Wilson would affect 16.2% of the area and 8.2% of the population within Coast's noise-limited NTSC Channel 38 service area (Broadcasters' November 22, 1996 "Comments," Exhibit E2, page 6).

DTV-DTV short-spacing, and the only DTV-NTSC short-spacing involved in such an allotment would be vis-a-vis KZKI-TV, NTSC Channel 30, San Bernardino -- whose Sixth Report DTV allotment of Channel 38 would be identically short-spaced to Coast's NTSC Channel 38 at Santa Barbara.

II. MSTV's Proposed Allotment of DTV Channel 38
To KTTV(TV) Must Be Rejected

MSTV's proposal to allot DTV Channel 38 to KTTV(TV), Los Angeles, was previously made in its November 22, 1996 "Comments" herein, and was implicitly rejected in the Sixth Report and Order -- which allotted DTV Channel 38 to Station KZKI, San Bernardino. KZKI operates from a site some 20 miles east of KTTV's Mt. Wilson site, and thus presents a significantly less serious short-spacing problem to NTSC Channel 38 in Santa Barbara than would a KTTV DTV Channel 38 operation at Mt. Wilson.

Under the Sixth Report's Table, Coast's NTSC operation would have received interference to its NTSC Channel 38 operation from KZKI affecting less than 5% of the area and population within its noise-limited service area.⁴ By contrast, as shown in note 3, supra, MSTV has conceded that the KTTV operation of DTV Channel 38 would cause interference to Coast TV affecting over 16% of the area and over 8% of the population within its noise-limited service area.

⁴ See "Ex Parte Submission," Exhibit 1B, Page 6.

Clearly, that aspect of MSTV's Submission must be rejected (again), as incompatible with the Commission's objectives, and as unjustified.

III. Conclusion

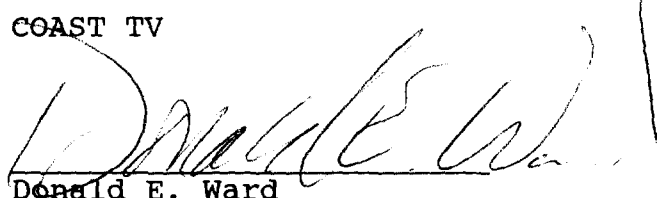
Insofar as it proposes the allotment of DTV Channel 38 to a Los Angeles Mt. Wilson-based television station, MSTV's Submission must be rejected out of hand.

The failure of both the Commission and MSTV to propose any DTV allotment to be paired with NTSC Channel 38 in Santa Barbara is easily remedied: As shown herein, DTV Channel 30 may be allotted to Santa Barbara compatibly with both the Sixth Report and MSTV's Submission. It is urged that the Commission make such an allotment in acting upon the pending petitions for reconsideration of the Sixth Report.

Respectfully submitted,

COAST TV

By:


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Its Attorney

December 17, 1997

ENGINEERING STATEMENT
RESPONSE TO EX PARTE FILING BY
MSTV IN MM DOCKET NO. 87-268
ON BEHALF OF
COAST TV
PERMITTEE (FCC FILE NO. BPCT-840720KG)
FOR UHF TELEVISION STATION IN SANTA BARBARA, CA
DECEMBER 1997

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

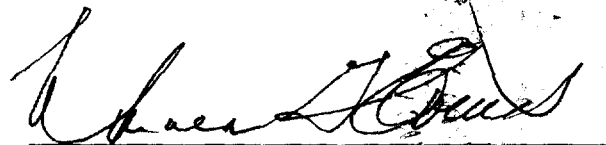
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

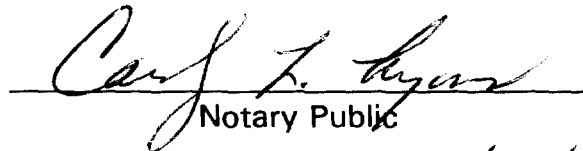
That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 16th day of December, 1997.


Notary Public

My Commission Expires: 2/28/98

This engineering statement has been prepared on behalf of Coast TV, permittee of commercial television station for UHF Channel 38 for Santa Barbara, California, and provides its assessment concerning the ex parte submission¹ filed by the Association for Maximum Service Television, Inc. ("MSTV").

Coast TV has reviewed the MSTV ex parte filing and the DTV allocations contained therein.

First and foremost, the MSTV filing fails to assign a DTV channel to the Coast TV permittee of NTSC Channel 38 in Santa Barbara, California. The Sixth Report and Order in MM Docket 87-268 made a similar omission, apparently due to errors in the FCC's own data base.

A DTV allocation study for Santa Barbara has been commissioned and DTV Channel 30 offers the best option of the DTV channels studied to date. Attached as Table 1 is the allocation situation for DTV Channel 30 performed using the transmitter site coordinates for the Coast TV operation. Such an allotment would be equally compatible with the channels set forth in the Sixth Report and the MSTV filing.

Since the MSTV filing fails to recognize Coast TV as a valid permittee, it is uncertain how other portions of the MSTV filing have considered the Channel 38 operation for Santa Barbara, California. Coast TV proposed and is authorized (FCC

¹"Ex Parte Submission Based on New Technical Discoveries to Help the Commission Improve the DTV Table of Allotments/Assignments", submitted by the Association of Maximum Service Television, Inc. and Other Broadcasters, November 20, 1997.

File No. BPCT-840720KG) for facilities to be operated on Channel 38 with an effective radiated power of 2690 kW (DA) at an antenna height above average terrain of 877 meters.

The MSTV filing contemplates the DTV allotment of Channel 38 for KTTV(TV), Los Angeles, California. The KTTV(TV) transmitting facilities are located on Mt. Wilson. Using Federal Communications Commission listed transmitter site coordinates for KTTV(TV) the separation between KTTV(TV) and the Coast TV transmitter site is 176.9 km. This distance is less than the distance of 244.6 km prescribed in VII B of the Sixth Report and Order in MM Docket 87-268. The latest MSTV filing provides no insight as to how it protects the Coast TV Channel 38 NTSC service area. However, its November 22, 1996 comments, which also proposed DTV Channel 38 for KTTV(TV), acknowledged that it would cause interference to Coast's operation affecting 16.2% of the area and 8.2% of the population.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE 1
SPACING STUDY OF DTV CHANNEL 30 FOR
COAST TV, PERMITTEE OF NTSC, CHANNEL 38
SANTA BARBARA, CALIFORNIA
DECEMBER 1997

<u>Call</u>	<u>City/State</u>	<u>Channel</u>	<u>Offset</u>	<u>Actual Separation</u> km	<u>Required Separation</u> ¹ km
Coast TV	Santa Barbara, CA	DTV 30	--	--	--
KFSN-TV	Fresno, CA	NTSC 30	N + 0	287.0	244.6
KZKI(TV)	San Bernardino, CA	NTSC 30	N + 0	210.6	244.6
KADE(TV)	San Luis Obispo, CA	NTSC 33	N + 3	112.7	96.6
Coast TV	Santa Barbara, CA	NTSC 38	N + 8	0	< 24.1

There are no DTV to DTV short-spacings

¹ As defined in Sec. VII B of the Sixth Report and Order, MM Docket No. 87-268.

CERTIFICATE OF SERVICE

I, Donald E. Ward, hereby certify that on this 17th day of December, 1997, I have served the foregoing **COMMENTS OF COAST TV** by sending a copy thereof by U.S. Mail, postage pre-paid, to the following:

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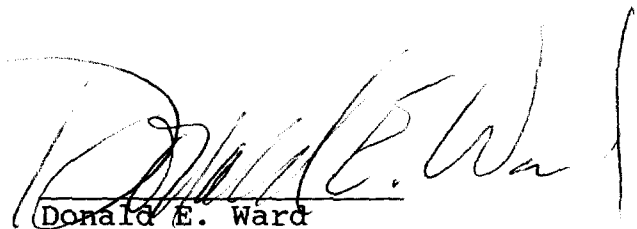
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